

PATENT
Attorney Docket No. 101.0089-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 9083
Gary K. Michelson)	
Serial No.: 10/736,866)	Group Art Unit: 3732
Filed: December 16, 2003)	Examiner: Eduardo Robert
For: Bone Hemi-Lumbar Interbody)	
Spinal Fusion Implant Having An)	(Issue Fee Paid: March 3, 2005)
Asymmetrical Leading End And)	
Method Of Installation Thereof)	

MS ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF ISSUE FEE TRANSMITTAL FORM

Submitted herewith is an Issue Fee Transmittal Form for the above-identified application. It is requested that the issue and publication fees in the total amount of \$1,700.00 (paid on March 3, 2005) be applied to this submission. A copy the Decision dated June 13, 2005 is submitted herewith.

If there is any deficiency or additional fee due in connection with the filing of this submission, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

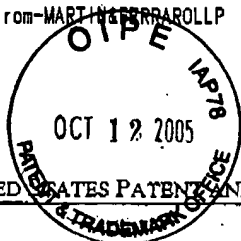
MARTIN & FERRARO, LLP

Date: October 12, 2005By: 

Thomas H. Martin

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In re Application of
Gary K. Michelson
Application No. 10/736,866
Filed: December 16, 2003
Attorney Docket No. 101.0089-02000

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition, filed June 10, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 3, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3732 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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FACSIMILE TRANSMITTAL

TO:**Name:** Mail Stop ISSUE FEE**Firm:** U.S. Patent & Trademark Office**Fax No.:** 571-273-2885**Subject:** U.S. Patent Application No. 10/736,866

Gary K. Michelson

Filed: December 16, 2003

BONE HEMI-LUMBAR INTERBODY SPINAL FUSION
IMPLANT HAVING AN ASYMMETRICAL LEADING
END AND METHOD OF INSTALLATION THEREOF

Attorney Docket No. 101.0089-02000

Customer No. 22882

Confirmation No. 9083

FROM:**Name:** Thomas H. Martin, Esq.**Phone No.:** 330-877-2277**No. of Pages (including this):** 4**Date:** October 12, 2005**Confirmation Copy to Follow:** No

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Submission of Issue Fee Transmittal Form with completed Issue Fee Transmittal Form and copy of Decision dated June 13, 2005 are being facsimile transmitted to the U.S. Patent and Trademark Office on October 12, 2005.

Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

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